

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

MALCOLM MUHAMMAD,)
 Plaintiff,)

v.)

L. J. FLEMING, et al.,)
 Defendants.)

Civil Action No. 7:17cv00481
MEMORANDUM ORDER

By: Hon. Pamela Meade Sargent
United States Magistrate Judge

This case is before the court on the Defendants’ Motion For Summary Judgment, (Docket Item No. 57) (“Motion”). This case recently was transferred to the undersigned based on the consent of the parties. Prior to transfer, the undersigned, on referral, entered a Report and Recommendation recommending that the court grant the Motion and enter summary judgment in the defendants’ favor. The plaintiff timely filed objections to the Report and Recommendation before the case was transferred to the undersigned.

In an Affidavit attached to Plaintiff’s Motion Objecting To Report And Recommendation, (Docket Item No. 77-1), the plaintiff appears to object to each of the findings contained in the Report And Recommendation, with the exception of the court’s findings with regard to his claim that the Common Fare diet did not provide him adequate nutrition. In light of the plaintiff’s objections, the undersigned has reviewed de novo the evidence before the court on the Motion and the findings and conclusions of law contained in her Report And Recommendation. Finding no error, the undersigned now accepts the Report And Recommendation and adopts its findings and conclusions of law.

Based on the above-stated reasons, the court **GRANTS** the Motion and will enter summary judgment in the defendants' favor on the plaintiff's claim.

The Clerk is instructed to enter the Final Judgment accompanying this Memorandum Order, close this case and strike it from the court's active docket.

ENTERED:December 12, 2019.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE